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Written statement* submitted by the Advocates for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human rights record[1] in Islamic Republic of Iran

Introduction

The Advocates for Human Rights and Norway-based Iran Human Rights (IHR) are members of the Steering Committee of the World Coalition Against the Death Penalty (WCADP), a coalition of more than 140 organizations from more than 40 countries from all the continents. WCADP works toward abolition of the death penalty worldwide.

The Islamic Republic of Iran underwent the Universal Periodic Review (UPR) on October 30, 2014. The Advocates for Human Rights, IHR, WCADP, and two other organizations submitted a joint stakeholder report demonstrating that Iran's death penalty practices violate the country's human rights violations and that Iran has failed to implement accepted UPR recommendations to "consider the abolition of juvenile execution" and to "respect at least the minimum standards and the provisions of ICCPR and CRC concerning the death penalty." During the review, 39 countries made specific recommendations on the death penalty.

The death penalty in Iran

Iran's use of the death penalty appears to be increasing. IHR reports that Iran executed at least 752 people in 2014. Official Iranian media reported 291 executions, and the remaining 461 have been confirmed by at least two independent unofficial sources, such as human rights groups, direct witnesses, lawyers, and family members.[2] The actual number of executions is likely much higher.

About half of those executed were convicted of drug-related charges. IHR has documented at least 2,052 executions for drug-related charges between 2010 and 2014. Iranian law denies the right to appeal to people convicted of drug-related offenses.[3] There are many reports of unfair trials, lack of access to lawyers, and confessions under torture.[4] In recent months, several Iranian officials have suggested changing the law as it relates to drug crimes to reduce the number of executions.[5] Yet the number of executions for drug offenses in December 2014 was among the highest for the year.

Iran executes juvenile offenders

Iran conducts the highest number of executions of individuals sentenced to death for crimes committed as children. Despite changes in the Iranian Penal Law and promises of reform, the number of executions of juvenile offenders has increased. Iran executed at least 14 juvenile offenders in 2014[6]—the highest reported number since 1990.[7] IHR reports that since 2008, Iran has executed at least 42 juvenile offenders. Local Iranian media confirmed executions of two juvenile offenders in 2014.[8]

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[1] Iran Human Rights, a Norway-based NGO without consultative status, shares the views expressed in this statement.

[2] Iran Human Rights [hereinafter IHR], Annual report on the death penalty in Iran- 2014 (Forthcoming).

[3] IHR: Annual report on the death penalty in Iran- 2012, 6-7, http://iranhr.net/2013/04/annual-report-on-the-death-penalty-in-iran-2012/.

[4] IHR, Case 1: Executed for drug trafficking- Annual report on the death penalty in Iran- 2011, http://iranhr.net/2012/03/annual-report-on-the-death-penalty-in-iran-at-least-676-executions-in-2011/.

[5] Al Monitor, *Iran considers ending death penalty for drug related charges*, December 4, 2014, http://www.al-monitor.com/pulse/originals/2014/12/iran-end-death-penalty-drug-cases.html#.

[6] Amnesty International, *Alleged juvenile offender among 10 hunger strikers threatened with immediate execution*, Dec. 16, 2014, http://www.amnesty.org/en/news/iran-alleged-juvenile-offender-among-10-hunger-strikers-threatened-immediate-execution-2014-12-.

[7] Amnesty International, Executions of Juveniles Since 1990, http://www.amnesty.org/en/death-penalty/executions-of-child-offenders-since-1990.

[8] Bloghnews, *Grandfather executed his own grandson*, Feb. 26, 2014, http://www.bloghnews.com/vdcftmdm.w6decagiiw.html; IHR, *Execution of a minor in Iran*, Mar. 7, 2014, http://iranhr.net/2014/03/execution-of-a-minor-offender-in-iran/; Fedaghnews, *Gholami was executed today*, Mar. 2, 2014, http://fedagh.ir/archives/7560.

Article 88 of the new Iranian Penal Code provides that children who commit "discretionary crimes," such as drug possession or trafficking, are not eligible for capital punishment.[9] Yet this reform appears not to be honored in practice. One of the juveniles executed in 2014 had been convicted of drug trafficking.[10]

Iran's execution methods violate human rights

Almost all executions in Iran are carried out by hanging by suffocation. This method does not result in a rapid death, and in some cases the prisoner suffers for many minutes before dying. Moreover, in 2014 there were several cases in which a person was pardoned several seconds after being hanged.[11]

At least 53 people were hanged in public in 2014 in Iran. Public hangings are often announced locally and people are encouraged to attend as spectators; children often watch.[12] There are several reports of children who have died while imitating executions during play. In September 2013, an eight-year-old boy died during a playtime execution "game."[13]

Capital punishment is not limited to violent offenses

Iranian Penal Law allows for capital punishment for several non-violent offences. Since 2010, at least 60 people have been executed in Iran because of their political or ideological affiliations. Authorities charge them with crimes such as *Moharebeh* (waging war against the God), *Ifsad fel Arz* (Corruption on the earth), or rebellion. Many were relatives of armed opposition combatants, non-violent political dissidents, and members of banned opposition groups.[14] There are reports of unfair trials, torture, and forced confessions. In many cases the executions are conducted secretly, without notification of the accused's lawyer or family.

In 2014, two Arab teachers were convicted of *Moharebeh* and executed.[15] In 2010, a Kurdish prisoner was sentenced to death for *Moharebeh* and *Ifsad fel Arz* because of alleged cooperation with a banned armed group. Iranian authorities never investigated his allegation that he was tortured during interrogation.[16] Several prisoners have been executed for their affiliation or cooperation with a banned opposition group.[17] Sunni Muslims are also targeted.[18]

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[9] Iranian Penal Code (2013), Art. 88

[10] IHR, *Afghan juvenile executed for drug-related charges*, May 6, 2014, http://iranhr.net/2014/05/afghan-juvenile-executed-in-iran-for-drug-related-charges/; Radio Azadi, *15 year old Jannat Mir hanged in Iran*, http://da.azadiradio.org/content/transcript/25373245.html.

[11] Parsine, *Forgiveness of the execution after 14 seconds*, http://www.parsine.com/fa/print/213169.

[12] IHR, *Two prisoners hanged publicly in Shiraz*, Feb. 13, 2014, http://iranhr.net/2014/02/two-prisoners-hanged-in-public-in-shiraz-southern-iran/; IHR, *Children watching public executions*, Oct. 12, 2011, http://iranhr.net/2011/10/children-watching-public-executions-in-ihr-urge-un-ban/; IHR, *Public execution of two prisoners in front of children*, Jan. 18, 2015, http://iranhr.net/2015/01/public-execution-of-two-prisoners-in-front-of-children/.

[13] Roozonline, *Child dies simulating a public execution*, http://www.roozonline.com/persian/news/newsitem/archive/2013/september/04/article/-de12bcf75b.html.

[14] Mahmood Amiry-Moghaddam & Tabassom Fanaian, *The Death Penalty in Iran: Fighting Crime or an Instrument to Spread Fear?* Iran Human Rights Review, Jan. 2014; IHR, *Annual Report on the Death Penalty in Iran-2012*, http://iranhr.net/spip.php?article2740; Death Penalty Worldwide (citing Intl. Campaign for Human Rights in Iran, "Iran Should Halt as Rate of Hangings Accelerates," http://www.iranhumanrights.org/2013/10/executions/; Intl. Fed. For Human Rights, *Death Penalty in Iran: A State Terror Policy- Special Update for 11th World Day Against the Death Penalty*, Oct. 9, 2013; Sonya Angelica Diehn, *Arab Activists Face Execution on Iran's Death Row*, Deutsche Welle, Mar. 5, 2013, http://www.dw.de/arab-activists-face-execution-on-irans-death-row/a-16728569.

[14] IHR, *Two Ahwazi Activists, Hadi Rashedi and Hashem Shabani, Have Been Executed*, Jan. 29, 2014, http://iranhr.net/2014/01/two-ahwazi-activists-hadi-rashedi-and-hashem-shabani-have-been-executed/.

[15] *Id.*

[16] Amnesty International, *Two Kurdish men at imminent risk of execution*, Oct. 28, 2013, http://www.amnesty.org.uk/press-releases/iran-two-more-kurdish-men-imminent-risk-execution-after-20-executions-weekend.

[17] IHR, *Gholamreza Khosravi executed this morning*, June 1, 2014, http://iranhr.net/2014/06/iranian-political-prisoner-gholamreza-khosravi-was-executed-this-morning/.

Insulting the prophet is a capital offense under the Iranian Penal Code. Article 262 stipulates the death sentence for cursing the Prophet of Islam or any of the other grand prophets. Recently, the Iranian Supreme Court upheld the death sentence of Ruhollah Tavana for insulting the Prophet. The new Iranian Penal Code does not expressly mention apostasy, sorcery, witchcraft, or similar offenses, but Article 26 of the Press Code specifically mentions apostasy. Under *sharia* law, the punishment for apostasy is death. One man was hanged in 2011 after being convicted of apostasy for claiming to have contact with God and the 12th Shiite Imam.[19] A man was executed in 2014 after being convicted of *Ifsad fel Arz*, insulting the Prophet Yonah, and heresy.[20] In 2014, the Iranian Supreme Court upheld the death sentence for a blogger convicted of "insulting the Prophet" on Facebook.[21]

Iran also subjects persons engaging in consensual adult same-sex conduct to the death penalty. Three men in 2011 and two men in 2014 were executed after being convicted of lavat (sodomy).[22]

Conclusion

Despite the attention brought to the death penalty in Iran during the UPR, death penalty practices in the country have deteriorated in many respects. There is a need to continuously monitor the situation of human rights in Iran by extending the mandate of the Special Rapporteur on the situation of human rights in Iran and by following up on all relevant UPR recommendations.

Recommendations

We respectfully request the Human Rights Council to extend the mandate of the Special Rapporteur on the situation of human rights in Iran, and to closely monitor the recommendations Iran accepts under the second cycle of the UPR to ensure that it adheres to its obligations under international law concerning the use of the death penalty.

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[18] IHR, *Iran Human Rights condemns execution of six Salafi Kurd prisoners*, Jan. 2, 2013, http://iranhr.net/2013/01/ihr-strongly-condemns-executions-of-salafi-kurd-prisoners-in-iran/; IHR, *Joint statement: Iran halt execution of 33 Sunnis*, June 14, 2014, http://iranhr.net/2014/06/iran-halt-execution-of-33-sunnis/.

[19] IHR, *One man was hanged for apostasy in Iran*, January 31, 2011, http://iranhr.net/2011/01/one-man-was-executed-in-iran-for-apostasy/.

[20] IHR, *Mohsen Amiraslani executed this morning*, Sept. 24, 2014, http://iranhr.net/2014/09/mohsen-amir-aslani-executed-this-morning/.

[21] IHR, *Iranian Supreme Court upheld a death sentence for insulting the Prophet on Facebook*, Nov. 24, 2014, http://iranhr.net/2014/11/iranian-supreme-court-upheld-a-death-sentence-for-insulting-the-prophet-on-facebook/.

[22] IHR, *Three men executed convicted of sodomy*, Sept. 5, 2011, http://iranhr.net/2011/09/three-men-were-executed-convicted-of-sodomy/; IHR, *Two men hanged publicly for sodomy*, Aug. 6, 2014, http://iranhr.net/2014/08/five-executions-in-public-and-one-in-the-prison-two-men-executed-for-sodomy/.